



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**MAY 13 2011**

**URGENT LEGAL MATTER  
REQUIRES PROMPT RESPONSE**

Dana R. Barlow, President  
The Moore Company (Fulflex Division)  
32 Justin Holden Drive  
Brattleboro, Vermont 05301

Re: Clean Air Act Reporting Requirement and Testing Order

Dear Mr. Barlow:

The United States Environmental Protection Agency ("EPA" or the "Agency") is evaluating whether The Moore Company's Fulflex facility in Brattleboro, Vermont ("Fulflex") is in compliance with certain requirements of the Clean Air Act (the "Act"), including, but not limited to, the requirements of its Air Pollution Control permit (#AOP-09-024) and of 40 CFR Part 82, Subpart F, Recycling and Emissions Reduction ("Part 82"). Part 82 is a federal standard which establishes requirements for the service, maintenance, repair, and disposal of appliances that contain ozone-depleting refrigerants, as required by Section 608 of the Act, 42 U.S.C. § 7671g.

Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require a facility to submit such information as EPA may reasonably require to determine the facility's compliance with the Act. Section 114(a)(1) also gives EPA the authority to require an emission source to perform testing to demonstrate compliance with the Act. This letter contains such a testing order.

Therefore, within thirty (30) days of receiving this letter, Fulflex is required to provide all of the information outlined below for its facility in Brattleboro, Vermont. Provide a separate numbered response to each numbered paragraph or subparagraph below. Limit your responses to information about the facility in Brattleboro, Vermont.

1. Provide the following information about Fulflex's facility in, Brattleboro, Vermont:
  - a. a description of the ownership and business structure;
  - b. a list of partners or corporate officers;

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- c. the date and state of incorporation;
- d. a list of any parent and subsidiary corporations;
- e. the net worth of the owner (if not available, provide gross annual receipts);
- f. the number of employees at this facility.

### **CFC Reporting Requirement**

- 2. Identify the refrigerants used at this facility and indicate whether the refrigerants are Class I or Class II substances or their substitutes, as defined in 40 C.F.R. Part 82.
- 3. Provide the name(s) of all employees of Fulflex who maintain, service, remove, repair, or dispose of appliances which contain and use a Class I or Class II substance as a refrigerant at the facility. Provide the date of certification for each technician. Indicate the level of certification, and provide a copy of each technician's certificate.
- 4. Provide the name, address, and telephone number of each person, agent, or business entity from whom Fulflex purchased refrigerant for use at the facility and provide records indicating the amount of refrigerant purchased from January 1, 2009 to the present.
- 5. List the appliances at this facility with refrigerant capacities of more than 50 pounds that contain and use Class I or Class II refrigerant or their substitutes. Identify whether each unit is an industrial refrigeration unit, commercial refrigeration unit, comfort cooler, or other type. If another type, please explain its function.
- 6. For each appliance referenced in question 5, state the quantity of refrigerant (in pounds) the appliance holds at full charge, the type of refrigerant used, and the date the full charge was most recently determined.
- 7. For each appliance referenced in question 5, provide a description of its location within the facility, along with its name, serial number, or other identification used by Fulflex.
- 8. For each appliance referenced in question 5, provide copies of any and all work logs, service tickets, invoices, and any other documents maintained by Fulflex and relating to service and repair between January 1, 2009 and the present. Such records shall include:
  - a. the date any service was performed;
  - b. the date each leak was discovered and amount of refrigerant that leaked;
  - c. a detailed description of all repair work done in association with each leak (if repairs were not conducted, explain why);
  - d. the date each repair was conducted;



- e. the amount of refrigerant added; and
- f. the name of the technician who performed the work.

#### **Air Pollution Permit #AOP-09-024 Reporting Requirement**

9. Provide a copy of the Operation and Maintenance Plan (O&M) for the dust collection system developed according to Condition 22 of the permit.
10. Provide copies of records for the period from January 1, 2006 to the present of the annual hours of outdoor discharge of each dust collector limited by the permit, as required by Condition 23 of the permit.
11. Provide copies of records for the period from January 1, 2006 to the present of the total quantity of each type of plastic extruded, as well as the total plastics extruded, through the extruded film process, in kg, each month as required by Condition 26 of Fulflex's permit.
12. Provide the amount of methylene chloride used at the facility each year from 2006 through 2010.
13. Provide a detailed description of any repair, maintenance, physical modification, or operational changes made to any of the particulate matter ("PM") emission control devices, i.e., the dust collectors, listed in Condition 7 of the permit for the period from January 1, 2006 to the present, including the date of each repair, maintenance, or change, as well as the name and company name of the technician who performed the work.
14. Provide copies of any correspondence, including permit applications, notifications, requests for permit modifications, etc., between Fulflex and VT DEC concerning any changes made to the dust collectors since January 1, 2006.

#### **Testing Order**

This Testing Order ("TO") requires Fulflex to conduct a performance test of each PM emission control device listed under Condition 7 of the permit that discharges to the outdoor air.

Within the number of days specified in each paragraph below, Fulflex is required to provide all the information and take the steps outlined below.

1. Within 7 days of receipt of this TO, contact EPA's Bill Osbahr, at (617) 918-8389, to schedule a pre-test conference. At the pre-test conference, EPA will review with Fulflex the various sampling, monitoring, testing, and analysis locations, procedures, and methods to be followed on the date(s) of the testing.
2. Within 30 days of receipt of this TO, prepare and mail to EPA a testing protocol, subject to EPA approval, for testing emissions of PM from each PM emission control device to demonstrate compliance with the PM emission limitations found in Condition 12 of the

permit.

3. Within 45 days of receipt of this TO, Fulflex shall revise and resubmit the sampling protocol in accordance with any written EPA comments or required changes. EPA shall approve, approve with conditions, or disapprove Fulflex's test protocol in writing.
4. Within 60 days of receipt date of this TO, attend a pre-test conference with EPA, and schedule the testing date(s).
5. Within 90 days of receipt of this TO, conduct testing according to the procedures in the EPA approved test protocol. EPA and Fulflex may agree to extend the period of time allowed to perform the testing of all applicable particulate matter control devices.
6. Within 30 days of completing the testing, submit a complete test report to EPA.
7. During the testing of the particulate matter control devices:
  - a. Fulflex shall operate the associated rubber manufacturing processing equipment ("the equipment") in a manner which is representative of normal operation. The equipment shall be operated at a rate that is at least 90% of its maximum design capacity, and operating parameters and operating procedures shall be consistent with representative normal operating conditions. Fulflex shall document any deviation from the normal representative operation of production during testing and provide an explanation in writing;
  - b. Testing shall be conducted using EPA approved methods and performance specifications. As required by Condition 12 of the permit, the test shall be performed in accordance with 40 CFR Part 60, Appendix A, Reference Method 5, and where applicable, Method 202, or equivalent methods approved in writing by the Agency.
  - c. Testing shall follow EPA's April 27, 2009 stack test guidance, found at:  
<http://www.epa.gov/compliance/resources/policies/monitoring/caa/stacktesting.pdf>

Attachment A to this TO lists required elements for pre-test protocols and test reports.

Submit the final test report to:

Susan Studlien, Director  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code OES04-2  
Boston, MA 02109-3912  
Attn: Abdi Mohamoud, Environmental Engineer, Air Technical Unit

Bill Osbahr, Environmental Engineer



Office of Environmental Measurement and Evaluation  
U.S. Environmental Protection Agency, Region I  
11 Technology Drive  
Mail Code EIA  
North Chelmsford, MA 01863-2431

Christian Jones, Chief  
Air Pollution Compliance  
Vermont Department of Environmental Conservation  
103 South Main Street  
Waterbury, VT 05676

This Reporting Requirement and Testing Order is not subject to Office of Management and Budget review under the Paperwork Reduction Act. This Reporting Requirement and Testing Order applies to Fulflex and its partners, officers, employees, agents, successors and assigns.

Fulflex may, if desired, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. §2.203(b). Information subject to such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. Note that certain categories of information, such as emissions data, are not properly the subject of such a claim. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public by EPA without further notice to Fulflex. Please be aware that states may have different rules and regulations governing the protection of confidential business information.

If you have any questions regarding this letter, please contact Abdi Mohamoud at (617) 918-1858, or have your attorney call Thomas Olivier, Senior Enforcement Counsel, at (617) 918-1737.

Sincerely,



Susan Studlien, Director  
Office of Environmental Stewardship

cc: Chris Jones, VT DEC  
Bill Osbahr, EPA, OEME

Enclosures